

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071

Filed: 2/29/96
49th Day: 4/18/96
180th Day: 8/27/96
Staff: CP-LB
Staff Report: 3/19/96
Hearing Date: April 9-12, 1996
Commission Action:

STAFF REPORT: APPEALSUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Los Angeles
LOCAL DECISION: Approval with Conditions
APPEAL NUMBER: A-5-VEN-96-035
APPLICANT: Semler Construction and Development Corp.
AGENTS: Roger K. Van Wert, Governmental Specialist
Larry Mar, Land Design Consultants, Inc.
PROJECT LOCATION: 700 Oxford Street, Venice, City of Los Angeles, Los Angeles County.
PROJECT DESCRIPTION: Local Coastal Development Permit No. 94-0014 approves with conditions Vesting Tentative Tract Map No. 51375 composed of twelve 5,000 square foot single family lots (each with a 30 foot high single family residence), one 15,000 square foot private open space lot, a private street, and associated utilities.
APPELLANT: Stephen Perlof

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission open and continue the public hearing to determine whether a substantial issue exists with respect to the grounds on which the appeal has been filed for the following reasons:

Pursuant to Section 30621 of the Coastal Act, a hearing on a Coastal Development Permit appeal shall be set no later than 49 days after the date on which the appeal is filed with the Commission. An appeal of the above described decision was officially filed on February 29, 1996. The 49th day falls on April 18, 1996. The only Coastal Commission hearings scheduled between the date the appeal was filed and the 49 day limit are the April 9-12, 1996 meetings.

In accordance with Section 13112 of the California Code of Regulations, staff requested on February 29, 1996 that the City of Los Angeles forward all relevant documents and materials regarding the subject permit to the Commission's South Coast District Office in Long Beach. The documents and materials relating to the City's approval of the project are necessary to analyze the project's consistency with the Coastal Act in relation to the grounds of the appeal.

As of the date of this report, the City has not submitted the necessary documents and materials as requested. The staff report and recommendation for the subject appeal had to be completed by March 20, 1996 in order to be ready for the Commission's April hearings. Because the City's documents and materials had not been received in time to thoroughly analyze the appealed project and the City's materials, the preparation of a staff report and recommendation for the Commission's April hearings is not possible.

Therefore, pursuant to Section 13112 of the California Code of Regulations, the Commission should open and continue the Substantial Issue Hearing at the April 9-12, 1996 meetings. Section 13112 states:

Section 13112. Effect of Appeal.

- (a) Upon receipt in the Commission office of a timely appeal by a qualified appellant, the Executive Director of the Commission shall notify the permit applicant and the affected local government that the operation and effect of the development permit has been stayed pending Commission action on the appeal by the Commission as required by Public Resources Code Section 30623. Upon receipt of a Notice of Appeal the local government shall refrain from issuing a development permit for the proposed development and shall, within five (5) working days, deliver to the Executive Director all relevant documents and materials used by the local government in its consideration of the Coastal Development Permit application. If the Commission fails to receive the documents and materials, the Commission shall set the matter for hearing and the hearing shall be left open until all relevant materials are received.

As required by the above stated regulation, the Substantial Issue Hearing will be reopened at a subsequent Commission hearing after a full analysis of the appealed project and the City's materials by Commission staff.